

REMARKS

Presently, claims 1-6, 8-16, 21, 22, and 25-57 are pending in the application. Independent claims 1, 2, 21, 22, 26 and 29 have been amended; as a result, claims 1-6, 8-16, 21, 22, and 25-57 are still pending in this application. Favorable reexamination and reconsideration of the action mailed on February 5, 2008 is respectfully requested in view of the foregoing amendments and following comments of the Applicants, which are preceded by related comments of the Examiner in small bold type:

Claim Rejections - 35 USC § 101

Claims 29-31 rejected under 25 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 29 is a system claim comprising various means for limitations, however there is no hardware cited in the system claim and it therefore does not fall within the statutory requirements of 35 U.S.C. § 101. Appropriate correction is required.

Without conceding to the Examiner, independent claim 29 has been amended to expedite prosecution. Applicant submits that amended independent claim 29, along with dependent claims 30 and 31, provides a practical application and a useful, concrete and tangible result, as required by 35 U.S.C. § 101.

Allowable Subject Matter

Claims 4, 28, 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Applicant appreciates the Examiner indication that claims 4, 28 and 31 would be allowable if placed in independent form along with any respective intervening claims.

Claim Rejections - 35 USC § 103

Claims 1-3, 5-6, 8-16, 21-22, 25-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 20020140820 (hereinafter Bord) in view of US 20050050043 (hereinafter Py).

Amended independent claim 1 is directed to receiving user input defining a plurality of calendar entries where each calendar entry includes a time interval and a topic. Each calendar entry topic is specified by a rule. A digital image, which is associated with a time stamp, is identified. A calendar entry in the plurality of calendar entries is selected such that the selected calendar entry has a time interval that includes the timestamp of the image. Calendar entry selection includes comparing overlap of the time interval to designate a parent calendar entry and comparing specificity of the topic. The selected calendar entry is associated with the digital image.

Borden appears to be silent is in regards to selecting a calendar entry based upon comparing overlap of a time interval to designate a parent calendar entry and comparing specificity of a topic included in the calendar entry, as required by amended independent claim 1. Rather, paragraph 17 of Borden appears to describe associating digital image files with calendar dates. In this regard, Borden reads:

Each of the digital image files obtained by the user has an associated date with it, which may be the file creation date or any other date associated with the file. The date may indicate, for example, the year, the decade, the month, the day, the hour, the minute, the second, a range of dates, the morning, the evening, and/or the afternoon. The digital image files are then associated with the corresponding date or date range of the particular calendar presented. In this manner, all of the digital image files are categorized, preferably in an automatic fashion, with the corresponding date or date range of the calendar. Accordingly, the user need merely select the desired date range, such as July 1997 when the user traveled to Paris, and the corresponding digital image files 16 will be presented to the user. Rescaling the date ranges results in regrouping of the files within the new date ranges. (Paragraph 0017)

Thus, while Borden describes associating digital image files with calendar dates, the reference does not disclose or suggest comparing overlap of a time interval to designate a parent calendar entry and comparing specificity of a topic included in a calendar entry.

Pyhalammi is not understood to remedy the foregoing deficiencies of Borden. In the current action, the Examiner cites paragraph 0038 of Pyhalammi as teaching automatic selecting of a calendar entry from a plurality of calendar entries. However, the Applicant submits that similar to Borden, Pyhalammi is silent in regards to selecting a calendar entry based upon comparing overlap of a time interval to designate a parent calendar entry and comparing specificity of a topic included in the calendar entry. Rather, the reference, describes storing

indexing information (e.g., a pointer) for each stored image. In particular, paragraph 0038 of Pyhalammi reads:

As each image is stored, the image (or a pointer or other index to the image data) is placed in each applicable subfolder in the date and subject folders. In other words, each image is placed into each folder and subfolder which describes some part of the metadata for that image. Each image can thus appear in multiple places within the date folder and within the subject folder. For example, images 110 and 111 in FIG. 4 are both dated Dec. 22, 2002 and are birthday pictures of "father." Those images therefore appear in the date folder in the subfolder for 2002, in the subfolder for December 2002 and in the subfolder for Dec. 22, 2002. Images 10 and 111 further appear in the subfolders for "birthdays" and for "father" in the subject folder. The remaining images 101-109 in FIG. 4 are similarly shown in the appropriate subfolders of FIG. 5. (Paragraph 0038)

Thus, while Pyhalammi describes storing images in multiple folders and subfolders, the reference does not disclose or suggest comparing overlap of a time interval to designate a parent calendar entry and comparing specificity of a topic included in a calendar entry.

For at least these reasons, amended independent claim 1 is believed to be patentable over the combination of Borden and Pyhalammi. Amended independent claims 2, 21, 22, 26 and 29 include limitations that are similar to those described above with respect to claim 1. These claims are also believed to be allowable for at least the same reasons noted above.

Each of the pending dependent claims are also believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, has not been addressed specifically herein.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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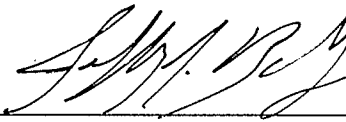
In view of the foregoing amendments and remarks, the Applicant respectfully submits that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

No fees are believed due at this time. Please apply any additional charges or credits to deposit account no. 06-1050, referencing Attorney Docket No. 07844-627001.

Respectfully submitted,

Date: _____

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